



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, JANUARY 17, 2007

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

PROCLAMATION

National Blood Donor Month

Gayle Rohner

INTRODUCTIONS

2006 City Employee Peak Performance Award Recipients

Customer Service Award

*Street Maintenance Crew: Anne Beale, Ron Cermeno,
Tony Haro, Ernie Wilson, and Rudy Zamarron*

Innovation Award

Officer Mindy Zen

Challenge Award

Sergio Jauregui

Professional Growth Award

Monica Delgado

Teamwork Award

*Business Assistance and Housing Services Staff Members:
Sheryll Bejarano, Teresa Crue, Jim Dumas, Mary Anne Kendall, Joyce Maskell,
Steve Pendleton, Margarita Huertas-Belagso, and Garrett Toy.*

2006 Employee of the Year

Tina Rodriguez

RECOGNITIONS

CITY COUNCIL REPORT

Council Member Grzan

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-11

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **NEW LIBRARY PROJECT – DECEMBER 2006 CONSTRUCTION PROGRESS REPORT** 1
Recommended Action(s): Information Only.
2. **RECREATION AND COMMUNITY SERVICES DEPARTMENT CITY MANAGER AUTHORIZED RATE ADJUSTMENTS** 7
Recommended Action(s): Accept Staff Report and Supporting Documentation for the Authorized Rate Adjustments.
3. **AWARD OF GALVAN PARK RESTROOM AND BASEBALL BACKSTOP REMOVAL AND INSTALLATION PROJECT** 15
Recommended Action(s):
 1. Appropriate \$85,000 from Park Maintenance Fund (302) to Galvan Park Restroom and Baseball Backstop Removal and Installation Project, #123A03, Subject to Reimbursement with Community Block Grant Funding, if Approved by Santa Clara County;
 2. Award Contract to ESR Construction for the Construction of the Galvan Park Restroom and Baseball Backstop Removal and Installation Project in the Amount of \$227,063; and
 3. Authorize Expenditure of Construction Contingency Funds not to Exceed \$22,706.
4. **AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SANTA CLARA COUNTY FOR THE COUNTY'S PAYMENT OF COSTS FOR PAVEMENT IMPROVEMENTS RELATIVE TO ANNEXED UNINCORPORATED POCKETS** 19
Recommended Action(s): Authorize City Manager to Execute an Agreement with Santa Clara County that it Pay \$22,906 in Costs for Pavement Improvements Needed on Roadways Included within the Annexation of Unincorporated Pockets.
5. **AMEND CONSULTANT AGREEMENT FOR CONSTRUCTION SERVICES AT NEW LIBRARY PROJECT** 27
Recommended Action(s): Amend Consultant Agreement with MH Engineering Co., Inc. for an Additional Fee not to Exceed \$10,000; Subject to Review and Approval by the City Attorney.
6. **RESOLUTION AMENDING 2005 SPEED SURVEY** 29
Recommended Action(s): Adopt Resolution Amending Resolution No. 5944 - Established Designated Speed Limits on City Streets.
7. **ACCEPTANCE OF PAVEMENT RESURFACING 2006-2007** 33
Recommended Action(s):
 1. Accept as Complete the 2006-2007 Street Resurfacing Project in the Final Amount of \$1,020,197.; and
 2. Direct City Clerk to File a Notice of Completion with the County Recorder's Office.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8.	<u>ACCEPTANCE OF 2006-2007 PAVEMENT CRACK SEALING PROJECT</u>	37
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> as Complete the 2006-2007 Pavement Crack Sealing Project in the Final Amount of \$35,100; and	
	2. <u>Direct</u> City Clerk to File a Notice of Completion with the County Recorder's Office.	
9.	<u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) RE-PROGRAMMING AND TRANSFER OF FUNDS</u>	41
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Re-Programming of \$85,459 in Fiscal Year 2006-2007 CDBG Funds from the Galvan Soccer Fields Project to the Galvan Park Restroom/Backstop Project;	
	2. <u>Approve</u> Transfer of \$133,211.08 in CDBG Funds Allocated to the Galvan Park Restroom/Backstop Project from Previous Fiscal Years to the Current Fiscal Year; and	
	3. <u>Authorize</u> City Manager to do Everything Necessary and Appropriate to Reprogram/Transfer the CDBG Funds; Subject to Review and Approval by the City Attorney.	
10.	<u>ADOPT ORDINANCE NO. 1814, NEW SERIES</u>	43
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1814, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT REQUEST TO REZONE A 1.08-ACRE SITE LOCATED ON THE EAST SIDE OF DEL MONTE AVENUE APPROXIMATELY 80 FEET NORTH OF CHRISTINE LYNN DRIVE FROM R2 (3,500) TO R2 (3,500)/RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND TO ADOPT A PRECISE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF SIX MULTI-FAMILY HOMES. (APN 764-12-025)(ZA-06-10: DEL MONTE-GIOVANNI)	
11.	<u>ADOPT ORDINANCE NO. 1815, NEW SERIES</u>	49
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1815, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MMC-04-05: DEL MONTE-GIOVANNI. (APN 764-12-025)(DA-05-09: DEL MONTE-GIOVANNI)	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 12

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
12.	<u>ANNUAL STATE REDEVELOPMENT REPORTS FOR FISCAL YEAR 2005-2006</u>	53
	<u>Recommended Action(s):</u> <u>File</u> 2005-2006 Redevelopment Agency's Annual Report of Financial Transactions, Housing Annual Report of Housing Activity, and Property Report.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 13

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

13. APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF DECEMBER 20, 2006 127

City Council Action

PUBLIC HEARINGS:

Time Estimate

Page

14. 10 Minutes RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE WEEDS147
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- Adopt Resolution "A" Authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds, Excluding Assessor Parcel Numbers (APN) 726-24-019, 726-24-020, and 764-48-020;
Action- Adopt Resolution "B" Authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds for APN 726-24-019 and 726-24-020; and
Action- Adopt Resolution "C" Authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds for APN 764-48-020.
15. 5 Minutes DEVELOPMENT AGREEMENT APPLICATION, DA-06-06: MONTEREY - GUNTER181
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- Motion to Waive the Reading in Full of Ordinance.
Action- Motion to Introduce Ordinance by Title Only. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

Time Estimate

Page

16. 15 Minutes MORGAN HILL COMMUNITY BUS PROGRAM.....211
Recommended Action(s): Receive Presentation from Santa Clara Valley Transportation Authority (VTA) Staff on the Proposed Community Bus Program for Morgan Hill.

OTHER BUSINESS:

	Time Estimate		Page
17.	10 Minutes	<u>CONSIDERATION OF AN EXPANDED SOCIAL HOST ORDINANCE</u>215 <u>Recommended Action(s):</u> 1. <u>Accept</u> Recommendation of the City Council's Public Safety and Community Services Committee Regarding a Social Host Ordinance; and 2. <u>Direct</u> the City Attorney and Staff to <u>Develop</u> and Substantially <u>Expand</u> Current Ordinances that Relate to Certain Social Gatherings and the Law Enforcement Costs Associated with Responding to Them.	
18.	10 Minutes	<u>CONSIDERATION OF AN EXPANDED DANGEROUS DOG ORDINANCE</u>221 <u>Recommended Action(s):</u> 1. <u>Accept</u> Recommendation of the City Council's Public Safety and Community Services Committee to <u>Modify</u> and <u>Strengthen</u> the Dangerous Dog Ordinance; and 2. <u>Direct</u> City Attorney and Staff to <u>Develop</u> an Expanded Dangerous Dog Ordinance.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
19.	30 Minutes	<u>OUTDOOR SPORTS CENTER MITIGATED NEGATIVE DECLARATION, PHASE DETERMINATION, AND AUTHORIZATION TO BID</u>223 <u>Recommended Action(s):</u> <u>City Council/Redevelopment Agency Action:</u> 1. <u>Adopt</u> Mitigated Declaration and the Mitigated Monitoring and Reporting Program. <u>City Council/Redevelopment Agency Action:</u> 1. <u>Review</u> Project Phase 1A "Improvement of Existing Sports Fields Facilities" and Phase 1B "Complete" to Determine Which Project to Complete a Bid Package and Release in February 2007; <u>City Council Action:</u> 2. <u>Authorize</u> Staff to Proceed to the Bid Phase with the Preferred Option: A) Phase 1A, Consisting of Two Synthetic Turf Fields in the Amount of \$2.8 Million. This Requires no Capital Budget Adjustment <u>OR</u> <u>City Council/Redevelopment Agency Action:</u> B) Phase 1B, "Complete" Which Includes Field Lighting, Restrooms, Concession and Offsite in the Amount of \$10 Million. This will Require Additional Funding in the Amount of \$7.2 Million <u>IF PHASE 1B "COMPLETE" IS APPROVED</u> <u>Redevelopment Agency Action:</u> C) <u>Authorize</u> \$7.2 Million to be funded by Redevelopment Agency Funds.	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

19. OUTDOOR SPORTS CENTER MITIGATED NEGATIVE DECLARATION, PHASE DETERMINATION, AND AUTHORIZATION TO BID (Continued from Page 6)

City Council Action:

3. **Receive** Report on the Outdoor Sports Center Operations and Maintenance Costs and **Refer** this Item to the Parks and Recreation Commission Directing them to Provide a Rental Rate Recommendation that Satisfies the City Council's Cost Recovery and Community Access Goals; and
4. **Approve** Additional Services Request by Architect in the Amount of \$15,000 by Amending their Contract to \$245,000.00 for Dual Water Systems Design, Shade Structure Design, Monument Entry Sign Design, and Expansion of Building Design Requirements for Phase 1B "Complete".

OTHER BUSINESS:

	Time Estimate		Page
20.	20 Minutes	<u>REDUCTION OF TRAFFIC AND SEWER IMPACT FEES</u>	283
		<u>Recommended Action(s):</u>	
		<u>Redevelopment Agency Action:</u>	
		1. <u>Adopt</u> Resolutions which make the Required Findings and <u>Authorize</u> the Expenditure of Agency Funds to Pay for Certain Traffic and Sewer Improvements.	
		<u>City Council Action:</u>	
		1. <u>Adopt</u> Resolutions which Make the Required Findings to use Redevelopment Agency Funds to Pay for Certain Traffic and Sewer Improvements; and	
		2. <u>Adjust</u> the City's Traffic and Sewer Impact Fee Schedules.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
21.	15 Minutes	<u>PRESENTATION OF INDUSTRIAL LANDS AND SOUTHEAST QUADRANT (SEQ) MARKET STUDY, AND DISCUSSION OF NEXT STEPS</u>	321
		<u>Recommended Action(s):</u> <u>Receive</u> Presentation, <u>Accept</u> Report, <u>Discuss</u> Alternative Next Steps, and <u>Provide</u> Direction to Staff.	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.